

even radios to be able to know what to do. But it is important for the public to know, and I think not just in the affected regions, that they need to register with FEMA, the Federal Emergency Management Agency, for personal assistance. That is the first step to getting back to their houses, making sure any damages are appropriately assessed, and making sure the affected people get the help they are entitled to under the law.

I would add, in addition to the Federal Emergency Management Agency's Web site and their 1-800 number, if my constituents will call any one of my offices, either here in Washington, DC, which we kept open 24-7 during the storm, and also any of my regional offices in Tyler, Dallas, Houston, San Antonio, Harlingen, Lubbock, or Austin, we will reach them and get them the help they need and to which they are entitled.

I have heard some rumors from the other side of the Capitol that Speaker PELOSI was talking about moving a stimulus package, a huge additional spending package of roughly \$50 billion, and there were going to be some provisions in it for disaster recovery and wild fires and other things.

I would welcome that with this caution: that we not allow politics and the opportunity to use this as a sort of Christmas tree for a bunch of bloated spending that is not necessary to restore people to their homes and to repair the damaged infrastructure; that this not be used as an occasion for politics. To me, the most cynical thing possibly that could happen in Congress is we look past the people in immediate need, and we look for political opportunities to perhaps spend the taxpayers' money on programs that would not otherwise pass because they are somehow bundled up with emergency spending for storm relief.

There is one other thing I learned in this disaster that I think is very important as we look at dealing with our energy crisis generally, with the high price of gasoline, and high price of oil, which, perhaps, is the No. 1 economic concern of the American people today. The gulf coast is indeed a laboratory of energy that supplies the daily needs of our country. When a big hurricane comes in, like this one did, of the 25 refineries—these are the places that actually make gasoline out of oil—representing more than one-quarter of the Nation's refining capacity, 17 of the 25 had to be taken offline because of the storm. In addition, nine different oil pipelines—these are the major oil pipelines that transmit oil from the gulf to various parts of the country—also had to be shut down because of Hurricane Ike. That is going to have an impact on America's oil and gas supply.

Hopefully, the first indications are going to prove to be true, and there were no major environmental spills or problems associated with this hurricane. To me, it was just another reminder of how much Congress needs to

remember that we cannot put all of the Nation's energy—or at least 25 percent of it—in one place. It is literally like putting all of our eggs in one basket. As the saying goes, if you put all your eggs in one basket, you better take care of that basket.

The fact is, as we look forward to hopefully removing the moratorium on Outer Continental Shelf drilling and exploration and production of oil and building of refineries at home so we have to depend less on imported energy from the Middle East, that we will remember the lessons of Hurricane Ike and Hurricane Gustav and Hurricane Katrina and Hurricane Rita.

Frankly, I think putting so much of our Nation's energy capacity in an area that is from time to time going to be affected by these natural disasters is something we ought to take note of and do something about. By producing the ability, or at least allowing the ability, for more exploration and development and building of pipelines, building of refineries in other parts of the country and, producing more at home, we, as we use less by conservation measures, can produce more American energy so we are less reliant on imported oil from the Middle East.

There have been a lot of interesting proposals being made. I want to caution my colleagues against some of the proposals that claim to do more about drilling but which in fact create further obstacles to further American oil exploration and drilling. As a matter of fact, one of the initial proposals we saw—I know this was in good faith. I am not questioning the good faith of the proponents. But the effect of it would actually be to raise taxes and diminish domestic oil production and actually limit energy exploration.

It is true, we would go from 85 to roughly 70 percent of the Outer Continental Shelf that would be available for drilling under this proposal, but what we would in effect be doing is putting a 60-vote barrier on going into that other 70 percent in the future. I do not know why, if we are willing to acknowledge the fact that modern drilling technology will allow for the exploration and production of oil in one place, such as the Outer Continental Shelf, why we would restrict it in other places on the Outer Continental Shelf, or developing the oil shale out West or perhaps even in the Arctic National Wildlife Refuge—in a 2,000-acre piece of frozen tundra in the middle of a 19 million-acre wildlife refuge—something that can be developed, I believe, in an environmentally responsible way.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 6 minutes remaining.

#### DEFENSE AUTHORIZATION

Mr. CORNYN. I thank the Chair.

I want to move to another topic and say I am pleased that an amendment

which I have offered that will protect military voting rights has been apparently accepted as a part of the managers' package on the Defense authorization bill.

This is a provision which I offered last week and we had been unsuccessful getting a vote on that. But I am pleased that through negotiations in a bipartisan effort between the bill managers, Senator LEVIN, chairman of the Armed Services Committee, and Senator WARNER, the former chairman, who is the minority bill manager, that has been accepted as part of the managers' package.

The fact is, according to statistics compiled by the U.S. Election Assistance Commission, only 992,000 of the 6 million eligible military and overseas voters were able to request an absentee ballot for the 2006 election, and only 330,000 of those ballots were filled out and actually reached election officials.

That means, in other words, that only 5.5 percent of eligible military and overseas voters were able to fill out a ballot and mail it in and have it counted. To me that is a scandalous statistic, one I am glad that this body, in a bipartisan fashion, is going to respond to and say "no more."

We are going to deal with this issue in a way that makes sure that the ballot of those who are fighting, deployed in very dangerous places, is going to count as much as our ballots here in the continental United States.

#### CONSTITUTION DAY 2008

Mr. CORNYN. I have some remarks, this being Constitution Day, that I want to make in closing. It was 221 years ago today when the delegates of the Constitutional Convention in Philadelphia completed their work; 39 of them signed it and gave us the very Government we have come to know, we have come to love, and, sometimes, there are those who say they have come to loathe it.

But today, we celebrate the very fact that we live in a country where people have the freedom of speech, that we have our political rights to petition Government, where Government's power is acknowledged to come from the governed, "we the People" as Lincoln said, "Government of the people, by the people and for the people." It is not the decision of a small group of people here in Washington, DC that somehow has to be fed to us like castor oil and we have to take it. This literally is a government of the people representing all 300 million of us who live in this country that was created that day by that Constitution.

Mr. President, it was on this day, September 17, 1787, that the delegates to the Constitutional Convention in Philadelphia completed their work. Thirty-nine of them signed the U.S. Constitution, setting up the government system that we have come to know, love, and sometimes loathe.

As Senators, we have sworn an oath to protect and defend the Constitution

of the United States. This is a duty and a responsibility that does not discriminate based on our party ideology. Still, it is our mutual love for and defense of the Constitution that often provokes our most vigorous debates in this chamber. This spirited debate is vital to liberty and the continued survival of our Nation.

If you read Madison's notes from the Constitutional Convention, you will see that the delegates themselves engaged in a lively debate about how to best implement the principles of liberty, equality, and justice established in the Declaration of Independence. Years later, during the jubilee celebration of the Constitution, John Quincy Adams said, "The Declaration of Independence and the Constitution of the United States are parts of one consistent whole, founded upon one and the same theory of government."

With population growth, increasing diversity, agricultural and economic development and massive technological advancement, our Nation has changed tremendously in the 221 years since the Constitution was signed. Yet, despite these changes, there remains a fundamental consistency in human nature.

James Madison expressed it best in the *Federalist Papers*, Number 51: "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions."

You see, we are indebted to the Founding Fathers for their wisdom and foresight. They understood that human nature would be unlikely to change, and that 18th century and contemporary American policymakers would be pressured to promote policy solutions that may not serve the public interest.

According to Madison, "Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority. . . . These must be chiefly, if not wholly, effects of the unsteadiness and injustice with which a factious spirit has tainted our public administrations."

Madison was concerned about the effect of special interest groups on the policy process. In *Federalist 10* he wrote, "The latent causes of faction

are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. . . ."

"So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts. But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government."

In a pure democracy, Madison argues, "A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. . . . Such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions."

Since it is impossible to force everyone to share the same opinion and intensity of opinion, Madison seeks to control the effects of factions by creating a republican form of government.

"The two great points of difference between a democracy and a republic are," he writes, "First, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended".

"The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.

Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests, of the people".

Madison was skeptical that elected representatives would always act in the public interest. "Enlightened statesmen will not always be at the helm," he wrote in *Federalist 10*.

Today, we have only to see the parade of huge spending bills that find their way to the floor to know that it is a herculean task to whet, much less control the appetites of the hundreds of organized interest groups who want their piece of the federal pie made with tax dollars collected from hard working American families.

The entitlement mentality of many of these organized groups, many of which cannot lay claim to a substantial number of members, has pressured an all too receptive Congress to grow the size of government, increase spending to new heights, while we ignore insolvency of large entitlement programs like Medicare and Social Security, and hope that our children and grandchildren will bail us out for our bad decisions.

In their wisdom, the Founding Fathers wrote a Constitution that establishes a system of separate institutions that share policymaking and political power. This was a clear effort to control the effects of factions and to guard against despotic rulers.

The public elections established by the Constitution encourage the electorate to select their representatives wisely.

For those of us privileged to be elected by the people, we have a sworn obligation to protect and defend the Constitution and to show ourselves worthy of this great trust.

On any given day, not just anniversary dates like today, it is something we ought to think more about.

I see my colleague from Louisiana here. I am going to yield the rest of our time that we have in morning business to him.

THE PRESIDING OFFICER (MR. NELSON of Nebraska.) The Senator from Louisiana is recognized.

## ENERGY

MR. VITTER. Mr. President, I stand to join with all other Senators, in fact, to join with all the American people, in offering our strong support for all of the hurricane victims Senator CORNYN talked about.

In fact, there is enormous devastation, enormous loss and continuing suffering in those parts of the country,